

debts of the estate, and on the 7th of May, 1849, the complainants filed a petition asking that said Dent be directed to invest said amount under the direction of the court, owing to the complicated condition of the estate, and the variety of claims thereon, to be adjusted and settled before a distribution can be made. Upon this petition the Chancellor, on the 9th of the same month, passed an order directing said Dent to bring said sum into court, or show cause to the contrary, on or before the 19th of May following, provided, a copy of the order and petition be served on him, or his solicitor, before the 25th of April, 1849.

On the 1st of May, 1849, a decree for an account was passed in the cause, and on the 30th of the same month, Dent answered the petition of the complainants, stating various objections to the application, which it is not necessary to state in full. On the 22d of October following, the Chancellor delivered the following opinion upon this state of the case. The other opinion in this case is reported in 1 *Md. Ch. Decisions*, 523.]

THE CHANCELLOR.

The petition of the complainants, filed on the 7th of April last, praying that the defendant, Dent, might be required to bring into court, for the purpose of investment, certain moneys in his hands, was to have been heard on the 19th of the then following month of May. It was not, however, then submitted, and the court is now called upon by the complainants to pass a final order upon the petition without notice to, or hearing of, the opposite party, who has put in an answer to the petition stating objections to the application. This would be irregular, and cannot be done. It may be proper, however, to observe, that the case now is in a different position from what it was when the petition was filed, and that the decree to account passed on the 1st of May last, places it entirely in the power of the court to afford protection to the defendant against the proceedings at law, which have been or may be instituted against him by the creditors of his intestate. The rule being that a decree to account against an executor or administrator, either separately for the suing creditor, or specially on behalf